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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09/15/2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-31* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   The amendment filed on 09/15/2008 has been considered but is ineffective to

overcome Brown and Payne references. However amendments necessitated new

ground(s) of rejection in view of Brown, Payne and a newly found reference. Therefore

the rejection communicated in the previous action has been withdrawn. Rejection

follows.

2.   Claims 1-31 are pending in the application.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

4.   Claims 21-29 are rejected under 35 U.S.C. 101 because the claims are directed

to non-statutory subject matter.

Regarding claims 20-29, these claims are directed to "A computer-

readable medium comprising instructions, which when executed by a

computer..." fails to meet 101 guidelines set forth therein. Claim 21 is non-

statutory because a "medium" cannot comprise instructions as a result the

medium is just instructions and therefore fails to fall within a statutory category. In order for a computer-readable medium comprising instructions to be statutory it must be embodied (encoded) in a computer readable medium with the instructions capable of being executed by a computer (please refer to pages 52-54 of the 101 guidelines for further details). Claims 22-29 are also rejected since they depend from claim 21 and contains the same deficiency. Therefore the claimed application in claims 21-29 is nothing but instructions or software and therefore is non-statutory.

It is well established as evidenced above that a computer-readable medium comprising instructions or a computer program, per se is not a physical "thing". Also in para 0028 of the specification, the instructions is defined to be residing in various types of signal-bearing media.

Thus, claims 21-29 are non-statutory since the patent protection sought by the claimed invention is for the computer program in the abstract and for a signal claim.

Therefore these claims must be canceled or references to instructions defined as residing in various types of signal-bearing media must be removed from the specification.

Appropriate corrections are required to these claims.

Claim Rejections - 35 USC § 112

5.   Claims 21-29 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Claim 21 claims "computer-readable medium

comprising instructions…; is vague and indefinite because it is unclear how a medium

can comprise instructions. A medium can have instructions stored on it, recorded on it,

but it is not clear how it can just comprise instructions. Claims 22-29 are also rejected

since they depend from claims 26 and contain the same deficiency. Appropriate

corrections are required to these claims.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> a.   A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be patented
> and the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over

        Brown et al. [US Pub: 2003/0112952] and Payne et al. [7,003,327] further in view

        of Mohan et al. [US Pub: 2003/0063590].

Regarding claim 1, Brown et al in the invention of "Automatically

Establishing a Telephone Connection Between a Subscriber and a Party Meeting

One or More Criteria" disclosed a wireless device **(items 502, 504, Figs 5/6,**

para 0152-0153, 0168-169) comprising: having a processor **(item 530 of Fig 5)**;

a wireless communication interface **(item 528 of Fig 5)**, coupled to said

processor, wherein the wireless communication interface selectively receives

(filter or screen calls, para 0094) an attempted incoming communication

connection across a wireless network, and a memory **(para 0018)**, coupled to

said processor **(para 0045-0047)**, wherein the processor is operable to **(para**

0033-0037, Fig 1): classify **(item 524 of Fig 5, para 0091)** the attempted

incoming communication connection using identifying information of the

attempted incoming **(caller identification)** communication connection **(para**

0090); and perform a predetermined response to the attempted incoming

communication connection based upon a classification of the attempted incoming

communication connection **(classify the attempted calls according to calling**

party classification, para 0091-0094). Brown et al, disclosed that PDA, wireless

telephone **(wireless device)** may comprise call processor **(item 120b of Fig 1,**

para 0047) and the classification process in the wireless device **(0057-0063)** but

Brown et al fails to explicitly disclose that the processor is located at a wireless

device. However, Payne et al in the invention of "Heuristically Assisted User

Interface for a Wireless Communication Device" disclosed a mobile device **(item**

300 of Fig 3) including the wireless communication interface coupled to a

processor **(item 304 of Fig 3)**, and the memory **(item 324 of Fig 3)** coupled to

the processor module for performing processing tasks **(col 9, lines 38-67, col**

10, lines 1-29) to provide predetermined responses based on the incoming

service request **(col 10, lines 30-67, col 11, lines 1-57, Fig 4) (col 5, lines 53-**

67, and col 6, lines 1-11). Therefore it would have been obvious for one of the

ordinary skill in the art at the time the invention was made to use the method of

including a processor coupled to the memory and the client module for

performing processing tasks in the wireless device as taught by Payne et al in

the system of Brown et al to include a processor coupled to a memory and a

classifier in the wireless device to classify the incoming communication

connection.

Both Brown and Payne fails to positively disclose the limitation of call

handling ability at a wireless device to perform predetermined response to the

attempted incoming communication based up on a classification of the attempted

incoming communication, however Mohan et al disclosed a method at a wireless

device **(item102 B of Fig 5)** to generate a predetermined response to an

attempted incoming call based on a classification of the attempted incoming

communication **(Figs 5-7, para 0093).**

Therefore it would have been obvious for one of the ordinary skill in the art

at the time the invention was made to use the method of including a processor

coupled to the memory and the client module for performing processing tasks in

the wireless device as taught by Mohan et al in the system of Brown et al as

modified by Payne et al to generate a predetermined response to an attempted

incoming call based on a classification of the attempted incoming communication

(Figs 5-7, para 0093). One is motivated as such in order to provide a

predetermined response to improve the call handling ability based on the

classification and identification of the incoming call at a wireless device **(Payne**

et al, col 13, lines 22-33).

Regarding claims 2-3,12-13,22-23, Brown et al disclosed that the

predetermined response is to block **(filter or screen calls)** the attempted

incoming communication connection attempt and the predetermined response

includes an audio response **(voice message/mail)** to the attempted incoming

communication connection **(para 0094)**.

Regarding claim 4, 14, 24, Brown et al disclosed that the predetermined

response is to request user input as to whether to accept the attempted incoming

communication connection **(para 0032-0033, 0039-0042)**.

Regarding claim 5, 15, 25, Brown et al disclosed that the predetermined

response is to return a data response to the attempted incoming communication

connection **(para 0124)**.

Regarding claim 6, 16, 26, Brown et al disclosed that the classification of

the attempted incoming communication connection occurs from identifying the

telephone number of a calling telephone making the attempted incoming

communication connection to the device **(para 0037)**.

Regarding claims 7-8, 17-18, 27-28, Brown et al disclosed that the

classification occurs through the receipt of Caller ID for the attempted incoming

communication connection and the classification occurs through the receipt of

identity data within the attempted incoming communication connection **(para**

0091-0093).

Regarding claim 9, 19, 29, Brown et al disclosed that the predetermined

response is to send a short messaging service **(SMS)** message to the device

making the attempted incoming communication connection **(para 0124)**.

Regarding claim 10, Brown et al disclosed a computer wireless device

(items 502, 504, Fig 5, para 0152), comprising: means for selectively receiving

(filter or screen calls) an attempted incoming communication connection across

a wireless network **(Fig 1)**; means for classifying **(item 524 of Fig 5)** the

attempted incoming communication connection using identifying information of

the attempted incoming communication connection **(para 0090, 0168)**; and

means for performing a predetermined response to the attempted incoming

communication connection based upon a classification of the attempted incoming

communication connection **(classify the attempted calls according to calling**

party classification, para 0091-0094, 0170). Brown et al, disclosed that PDA,

wireless telephone (wireless device) may comprise call processor **(item 120b of**

Fig 1, para 0047) and the classification process in the wireless device **(0057-**

0063) but Brown et al fails to explicitly disclose that the processor is located at a

wireless device. However, Payne et al disclosed a mobile device **(item 300 of**

Fig 3) including the wireless communication interface coupled to a processor

(item 304 of Fig 3), and the memory **(item 324 of Fig 3)** coupled to the

processor module for performing processing tasks **(col 9, lines 38-67, col 10,**

lines 1-29) to provide predetermined responses based on the incoming service

request **(col 10, lines 30-67, col 11, lines 1-57, Fig 4) (col 5, lines 53-67, and**

col 6, lines 1-11). Therefore it would have been obvious for one of the ordinary

skill in the art at the time the invention was made to use the method of including

a processor coupled to the memory and the client module for performing

processing tasks in the wireless device as taught by Payne et al in the system of

Brown et al to include a processor coupled to a memory and a classifier in the

wireless device to classify the incoming communication connection.

Both Brown and Payne fails to positively disclose the limitation of call

handling ability at a wireless device to perform predetermined response to the

attempted incoming communication based up on a classification of the attempted

incoming communication, however Mohan et al disclosed a method at a wireless

device **(item102 B of Fig 5)** to generate a predetermined response to an

attempted incoming call based on a classification of the attempted incoming

communication **(Figs 5-7, para 0093).**

Therefore it would have been obvious for one of the ordinary skill in the art

at the time the invention was made to use the method of including a processor

coupled to the memory and the client module for performing processing tasks in

the wireless device as taught by Mohan et al in the system of Brown et al as

modified by Payne et al to generate a predetermined response to an attempted

incoming call based on a classification of the attempted incoming communication

(Figs 5-7, para 0093). One is motivated as such in order to provide a

predetermined response to improve the call handling ability based on the

classification and identification of the incoming call at a wireless device **(Payne**

et al, col 13, lines 22-33).

Regarding claims 11, Brown et al disclosed a method for responding to

incoming communication connection attempts at a wireless device **(items 502,**

504, para 0152) the method comprising **(para 0017-0018)**: receiving an

attempted incoming communication connection at a wireless device, storing the

incoming communication in a memory of the wireless device **(para 0047,0152-**

0153); classifying the attempted incoming communication connection using

identifying information **(caller identification)** of the attempted incoming

communication connection **(para 0090)**; and performing a predetermined

response to the attempted incoming communication connection based upon a

classification of the attempted incoming communication connection **(classify the**

attempted calls according to calling party classification, para 0091-0094,

0154, Fig 1). Brown et al, disclosed that PDA, wireless telephone (wireless

device) may comprise call processor **(item 120b of Fig 1, para 0047)** and the

classification process in the wireless device **(0057-0063)** but Brown et al fails to

explicitly disclose that the processor is located at a wireless device. However,

Payne et al disclosed a mobile device **(item 300 of Fig 3)** including the wireless

communication interface coupled to a processor **(item 304 of Fig 3)**, and the

memory **(item 324 of Fig 3)** coupled to the processor module for performing

processing tasks **(col 9, lines 38-67, col 10, lines 1-29)** to provide

predetermined responses based on the incoming service request **(col 10, lines

30-67, col 11, lines 1-57, Fig 4) (col 5, lines 53-67, and col 6, lines 1-11).**

Therefore it would have been obvious for one of the ordinary skill in the art at the

time the invention was made to use the method of including a processor coupled

to the memory and the client module for performing processing tasks in the

wireless device as taught by Payne et al in the system of Brown et al to include a

processor coupled to a memory and a classifier in the wireless device to classify

the incoming communication connection.

Both Brown and Payne fails to positively disclose the limitation of call

handling ability at a wireless device to perform predetermined response to the

attempted incoming communication based up on a classification of the attempted

incoming communication, however Mohan et al disclosed a method at a wireless

device **(item102 B of Fig 5)** to generate a predetermined response to an

attempted incoming call based on a classification of the attempted incoming

communication **(Figs 5-7, para 0093).**

Therefore it would have been obvious for one of the ordinary skill in the art

at the time the invention was made to use the method of including a processor

coupled to the memory and the client module for performing processing tasks in

the wireless device as taught by Mohan et al in the system of Brown et al as

modified by Payne et al to generate a predetermined response to an attempted

incoming call based on a classification of the attempted incoming communication

(Figs 5-7, para 0093). One is motivated as such in order to provide a

predetermined response to improve the call handling ability based on the

classification and identification of the incoming call at a wireless device **(Payne**

et al, col 13, lines 22-33).

Regarding claims 20 Brown et al disclosed a computer-implemented

method for responding to an attempted incoming communication connection at a

wireless device **(items 502, 504, Fig 5)** the method comprising **(para 0017-0018,**

00152): classifying the attempted incoming communication connection using

identifying information **(caller identification)** of the attempted incoming

communication connection **(par 0090, 0153)**; and performing a predetermined

response to the attempted incoming communication connection based upon a

classification of the attempted incoming communication connection **(classify the**

attempted calls according to calling party classification, para 0091-0094,

0154, Fig 1). Brown et al, disclosed that PDA, wireless telephone (wireless

device) may comprise call processor **(item 120b of Fig 1, para 0047)** and the

classification process in the wireless device **(0057-0063)** but Brown et al fails to

explicitly disclose that the processor is located at a wireless device. However,

Payne et al disclosed a mobile device **(item 300 of Fig 3)** including the wireless

communication interface coupled to a processor **(item 304 of Fig 3)**, and the

memory **(item 324 of Fig 3)** coupled to the processor module for performing

processing tasks **(col 9, lines 38-67, col 10, lines 1-29)** to provide

predetermined responses based on the incoming service request **(col 10, lines**

30-67, col 11, lines 1-57, Fig 4) (col 5, lines 53-67, and col 6, lines 1-11).

Therefore it would have been obvious for one of the ordinary skill in the art at the

time the invention was made to use the method of including a processor coupled

to the memory and the client module for performing processing tasks in the

wireless device as taught by Payne et al in the system of Brown et al to include a

processor coupled to a memory and a classifier in the wireless device to classify

the incoming communication connection.

Both Brown and Payne fails to positively disclose the limitation of call

handling ability at a wireless device to perform predetermined response to the

attempted incoming communication based up on a classification of the attempted

incoming communication, however Mohan et al disclosed a method at a wireless

device **(item102 B of Fig 5)** to generate a predetermined response to an

attempted incoming call based on a classification of the attempted incoming

communication **(Figs 5-7, para 0093).**

Therefore it would have been obvious for one of the ordinary skill in the art

at the time the invention was made to use the method of including a processor

coupled to the memory and the client module for performing processing tasks in

the wireless device as taught by Mohan et al in the system of Brown et al as

modified by Payne et al to generate a predetermined response to an attempted

incoming call based on a classification of the attempted incoming communication

(Figs 5-7, para 0093). One is motivated as such in order to provide a predetermined response to improve the call handling ability based on the classification and identification of the incoming call at a wireless device **(Payne et al, col 13, lines 22-33).**

Regarding claim 21, Brown et al disclosed a computer-readable medium comprising instructions, which when executed by a computer in a wireless device **(items 502, 504 of Fig 5, para 0152)** causes the computer to perform operations, the instructions comprising **(para 0017-0018)**: at least one instruction for receiving an attempted incoming communication connection from another device across a wireless network **(Fig 1)**; at least one instruction for classifying the attempted incoming communication connection using identifying information **(caller identification)** of the attempted incoming communication connection **(para 0090)**; and at least one instruction for performing a predetermined response to the attempted incoming communication connection based upon a classification of the attempted incoming communication connection **(classify the attempted calls according to calling party classification, para 0091-0094)**. Brown et al, disclosed that PDA, wireless telephone (wireless device) may comprise call processor **(item 120b of Fig 1, para 0047)** and the classification process in the wireless device **(0057-0063)** but Brown et al fails to explicitly disclose that the processor is located at a wireless device. However, Payne et al disclosed a mobile device **(item 300 of Fig 3)** including the wireless communication interface coupled to a processor **(item 304 of Fig 3),** and the

memory **(item 324 of Fig 3)**, coupled to the processor module for performing

processing tasks **(col 9, lines 38-67, col 10, lines 1-29)** to provide

predetermined responses based on the incoming service request **(col 10, lines**

30-67, col 11, lines 1-57, Fig 4, col 5, lines 53-67, and col 6, lines 1-11).

Therefore it would have been obvious for one of the ordinary skill in the art at the

time the invention was made to use the method of including a processor coupled

to the memory and the client module for performing processing tasks in the

wireless device as taught by Payne et al in the system of Brown et al to include a

processor coupled to a memory and a classifier in the wireless device to classify

the incoming communication connection.

Both Brown and Payne fails to positively disclose the limitation of call

handling ability at a wireless device to perform predetermined response to the

attempted incoming communication based up on a classification of the attempted

incoming communication, however Mohan et al disclosed a method at a wireless

device **(item102 B of Fig 5)** to generate a predetermined response to an

attempted incoming call based on a classification of the attempted incoming

communication **(Figs 5-7, para 0093).**

Therefore it would have been obvious for one of the ordinary skill in the art

at the time the invention was made to use the method of including a processor

coupled to the memory and the client module for performing processing tasks in

the wireless device as taught by Mohan et al in the system of Brown et al as

modified by Payne et al to generate a predetermined response to an attempted

incoming call based on a classification of the attempted incoming communication

(Figs 5-7, para 0093). One is motivated as such in order to provide a

predetermined response to improve the call handling ability based on the

classification and identification of the incoming call at a wireless device **(Payne**

et al, col 13, lines 22-33).

Regarding claims 30-31, Brown et al disclosed wherein the process is

further operable to: provide a default response to a calling party that is attempting

the attempted incoming communication connection, if the processor cannot

classify the attempted incoming communication connection, the default response

not being an establishment of a connection between the calling party and the

wireless device wherein the default response is an audio message configured for

unidentified calling parties **(default to voice mail system, para 0094).**

Response to Arguments

8.   Applicant's argument, see remarks filed on 09/15/2008 with respect to claims 1-

31 have been fully considered. However, new ground(s) of rejection has been made in

this office action in view of Brown, Payne and a newly found reference. Therefore the

rejection communicated in the previous action has been withdrawn.

With respect to applicant's argument for claims 1-31 that Brown reference fails to

teach or suggest the limitation of responsive action is based on the classification, i.e,

the communication system selects a called party based on the provided criteria,

however the examiner disagrees and points applicants to para 0091-0094 where Brown

disclosed a method of classify the attempted calls according to multiple criteria and

categories such as priority, caller identity, QoS, voice or data connection etc.. and with

responsive action base on the classification including screening and blocking the

attempted call.

With respect to applicant's argument for claims 1-31 that Payne fails to teach or

suggest the limitation of performing any call handling protocols at the wireless device,

however the examiner points applicant's to col 5, lines 53-67, and col 6, lines 1-11,

where Payne et al disclosed several communication protocols processed by the

wireless device (item 102 of Fig 1) for communicating with the gateway server (item 106

of Fig 1) including access to plurality of incoming and outgoing services such as phone,

email, SMS etc.. Brown et al also teaches that the wireless device (PDA) processing

SMS and messages of other suitable protocols in para 0047.

With respect to applicant's argument that references fail to teach the limitation of

call handling ability at a wireless device to perform predetermined response to the

attempted incoming communication based up on a classification of the attempted

incoming communication, a new search was performed and a newly found Mohan et al

reference has been used in the rejections communicated via this office action.

Conclusion

9.   Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached @ (571)-272-7884. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

10.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

/Venkatesh Haliyur/

Examiner, Art Unit 2419

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2419